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7 Attorneys for Defendant,
8 SOFTSCAPE, INC.

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION

12 SUCCESSFACTORS, INC, a Delaware
corporation,

13 Plaintiff,

14 vs.

15 SOFTSCAPE, INC., a Delaware corporation,
16 and DOES 1-10, inclusive,

17 Defendants.

Case No. C08-1376 CW (BZ)

DISCOVERY MATTER

**DECLARATION OF ROBERT P.
TAYLOR IN SUPPORT OF MOTION BY
DEFENDANT SOFTSCAPE, INC. FOR
AN ORDER ENLARGING TIME TO
PRODUCE DOCUMENTS**

[N.D. Civ. L.R. 6-3]

Judge: Honorable Bernard Zimmerman

20 I, Robert P. Taylor, under penalty of perjury, declare as follows:

21 1. I am a member of the law firm of Mintz Levin Cohn Ferris Glovsky and Popeo, PC.

22 I am a member in good standing of the State Bar of California and am admitted to practice law in
23 this District. I am lead trial counsel for Defendant Softscape, Inc. ("Softscape") in this action.
24 Over the last month, I have been personally involved on a daily basis in supervising the lawyers
25 working on this case.

26 2. Last week, I informed Laurence Pulgram, Esq., lead trial counsel for Plaintiff
27 SuccessFactors, Inc. ("SuccessFactors"), that Softscape – despite a substantial effort to complete its
28

1 production by the August 1st deadline established by the Court – would need additional time to
2 complete that production. I suggested to Mr. Pulgram that the parties mutually propose to the
3 Court an extension of two weeks, to August 15th, for both sides to complete their document
4 productions. Mr. Pulgram informed me today that SuccessFactors will not stipulate to such an
5 extension.

6 3. The August 1st date for the completion of document discovery was set by Magistrate
7 Judge Zimmerman on July 3, 2008. At the time of the hearing, counsel for Softscape believed that
8 the size of the task was such that this deadline was achievable and did not ask for more time. Since
9 the July 3rd hearing, Softscape has produced over 700 responsive electronic files containing nearly
10 13,000 pages. Softscape made these productions on July 15, 16, 17, 18, 21, 23, and 25th as
11 documents were processed for production. Softscape has also produced approximately 400 pages
12 of documents in hard copy since July 3, 2008.

13 4. Despite a diligent and dedicated effort to complete the entirety of the Softscape
14 production within the time frame set by the Court, the quantity of material to be searched and the
15 magnitude of the task of reviewing that material has been larger than Softscape or Mintz Levin
16 anticipated. The review process started with more than a terabyte of data to be searched
17 electronically. A list of over 50 search terms agreed to by the parties in late June, while a
18 manageable number in an of itself, contains certain very general root terms (e.g., the root word
19 “success” in Success Factors) that tend to generate far more nonresponsive hits than responsive
20 ones. All of these nonresponsive documents, however, must be reviewed in their entirety thereby
21 expanding greatly the size of the review effort.

22 5. The Mintz Levin document review team presently consists of five associate lawyers
23 devoting between two-thirds and all of their time specifically to the document review process. In
24 addition, two other Mintz Levin lawyers, a partner and an of counsel, manage the overall day-to-
25 day aspects of the case (including assisting with document review) and are devoting approximately
26 half to three-quarters of their time to this matter on a daily basis. Needless to say, the cost of this
27 effort for a small company such as Softscape is already a substantial burden.

28 6. Currently, the search process is substantially complete, but Mintz Leven lawyers

1 still have thousands of potentially responsive documents that must be reviewed before they can be
2 produced. Given this, it is not possible to complete the review and production of all responsive
3 documents by August 1st. Based on our current rate of document review and the size of the task
4 remaining, we believe that Softscape can complete its production by August 15th.

5 7. The extension we request should not have any significant impact on any of the other
6 dates in the case. Discovery cutoff is currently set for November 26, 2008 and would not have to
7 be moved. The parties are discussing dates in late August and September for the depositions of
8 Softscape employees.

9 I declare under penalty of perjury that the foregoing is true and correct. Executed this 28th
10 day of July, 2008 at Woodside, California.

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12 By: ROBERT P. TAYLOR (BS)
13 ROBERT P. TAYLOR

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